

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

Vantage Financial Services, Inc.
Plaintiff

v.

Nonprofit Service Group, Inc. and George E.
Miller
Defendants

CIVIL ACTION NO. 04-11686WGY

**AFFIDAVIT OF RICHARD L. NAHIGIAN IN RESPONSE TO PLAINTIFF'S MOTION
TO EXTEND TIME FOR FILING OPPOSITION TO DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

Richard L. Nahigian, states as follows:

1. My name is Richard L. Nahigian. I am a member of the bar of this Court and represent the defendants in this case.
2. I submit this Affidavit in response to Plaintiff's Motion to Extend Time for Filing Opposition to Defendants' Motion for Summary Judgment pursuant to Fed. R. Civ. P. 56(f).
3. Defendants oppose plaintiff's request that the Court deny defendants' Motion for Summary Judgment without prejudice pending the completion of discovery. Discovery is currently scheduled to close by the end of October, 2005. Plaintiff has had ample time to conduct whatever discovery it deems necessary.
4. Plaintiff already deposed defendant George Miller for over seven hours on June 30, 2005. Mr. Miller has voluntarily agreed to submit to further deposition on October 7, 2005,

although he is under no obligation to do so under Fed. R. Civ. P. 30(d)(2). Mr. Miller has also agreed to travel from Virginia to Boston at his own expense for both days of deposition.

5. Plaintiff's suggestion that defendants delayed in producing Mr. Miller for a further deposition is not supported by the facts. I offered to produce Mr. Miller for further deposition on September 9, 2005, which was a date that plaintiff's counsel initially proposed. After I offered to produce Mr. Miller on September 9th, plaintiff's counsel subsequently declined to go forward with the deposition on that date.

6. After I wrote to plaintiff's counsel Laurence M. Johnson, on September 2, 2005, to discuss the various issues relating to discovery in this matter, I heard nothing from him until the week of September 26 2005. By that time, however, defendants were already in the process of filing their Motion for Summary Judgment.

7. In light of plaintiff's inaction, defendants saw no reason to delay proceedings in this case any further by waiting an additional month to file their summary judgment motion. Defendants do not oppose a reasonable extension of the time by which plaintiff must file its opposition to the motion.

Signed under the pains and penalties of perjury this 3rd day of October, 2005.

/s/ Richard L. Nahigian
Richard L. Nahigian, Esquire